

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 SS-15 SP-02 TRSE-00 CEA-01

CIEP-01 IO-13 EB-07 NSC-05 INR-07 INRE-00 SSO-00

NSCE-00 /061 R

DRAFTED BY L/ARA:DAGANTZ

APPROVED BY L/ARA:DAGANTZ

T:CEMAW (SUB)

S/P:LEINAUDI (DRAFT)

TREASURY:FMARESCA (DRAFT)

S/S:JPMOFFAT

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O 292234Z APR 76 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY LIMA NIACT IMMEDIATE

LIMITED OFFICIAL USE STATE 103979

FOR ECON CLINT SMITH

E.O. 11652: N/A

TAGS: EIND, EINV, EMIN, PFOR, PE

SUBJECT: MARCONA - TAX SUBMISSIONS

REF: LIMA 3957

1. PLEASE ADVISE BRADFIELD THAT GANTZ PREPARED TO PROVIDE HIM WITH LETTER ALONG LINES GIVEN BELOW. GIVEN PROGRESS REPORTED REFTTEL, DEPT STRONGLY BELIEVES PRESENTATION OF TAX SUBMISSION SHOULD BE MADE ASAP. LETTER IS GIVEN ON THE ASSUMPTION THAT BRADFIELD HAS PERSONALLY REVIEWED TAX SUBMISSIONS AND THAT THEY ARE RESPONSIVE TO REQUIREMENTS SET OUT BY THE PERUVIAN TAX AUTHORITIES IN THE COURSE OF THE APRIL 21 MEETING.

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2. QUOTE I AM WRITING TO CONFIRM OUR UNDERSTANDING REGARDING THE PRESENTATION BY MARCONA TO THE PERUVIAN AUTHORITIES OF THE TAX INFORMATION REQUIRED TO PERMIT THOSE AUTHORITIES TO REACH FINAL RESOLUTION OF PENDING TAX CLAIMS.

IT IS THE DEPARTMENT'S STRONG RECOMMENDATION THAT THESE MATERIALS, AS DEFINED IN THE COURSE OF YOUR MEETING OF APRIL 21 WITH THE TAX AUTHORITIES, BE PRESENTED FORMALLY

ASAP. THIS RECOMMENDATION IS BASED IN PART ON OUR INFORMAL UNDERSTANDING WITH THE PERUVIAN COMMISSION THAT THE PRESENTATION OF SUCH MATERIALS WAS CONTINGENT ON THE FOLLOWING CONDITIONS SPECIFIED BY YOU.

(1) MARCONA WOULD OBTAIN A QUITCLAIM APPLICABLE TO ALL THESE CLAIMS AT THE TIME OF SETTLEMENT, AND

(2) NONE OF THE CLAIMS WOULD BE USED AS A BASIS FOR REDUCING ANY PART OF THE OFFER INCLUDING THE \$33 MILLION CASH PAYMENT THAT IS TO FORM A PART OF THE FINAL SETTLEMENT.

THE PERUVIAN COMMISSION HAS ASSURED US THAT BOTH CONDITIONS WILL BE MET, AND ADVOCATED PROMPT PRESENTATION OF THE DOCUMENTS.

-- AS IN THE CASE OF THE EARLIER TAX SUBMISSIONS, WE WILL REGARD THE PERUVIAN TREATMENT OF THEM AS AN INDICATION OF THEIR OVERALL INTENTIONS. IN THE EVENT THAT THEY DO NOT ACT CONSISTENTLY WITH THE ABOVE UNDERSTANDINGS, WE WILL ACT ACCORDINGLY. IN ANY EVENT, MARCONA'S POSITION VIS A VIS THE UNITED STATES GOVERNMENT WILL NOT BE PREJUDICED. END QUOTE. SISCO

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CLAIMS, NEGOTIATIONS, TAXES, CONTRACTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 APR 1976  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** powellba  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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